



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 1401-00
31 January 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record
(3) Medical Records

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Zsalman, Mr. Rothlein and Ms. Hardbower, reviewed Petitioner's allegations of error and injustice on 30 January 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 22 September 1992 at age 18. The record shows that he was honorably discharged on 27 October 1995. The narrative reason for separation was "physical standards" and the Separation Program Designator (SPD) is "JFT". Apparently, a typographical error was made because the reenlistment code is entered as RE-43.

d. Petitioner's record is incomplete and the facts and circumstances which led to his discharge are unknown. The Board assumed that the reason for discharge was Petitioner's inability to meet the weight standards because his separation physical showed that he was overweight. The regulations state that with

an SPD code of JFT, an RE-3F, RE-3T or an RE-4 reenlistment code can be assigned. An RE-3T reenlistment code is assigned when an individual is denied reenlistment or discharge because of weight control failure.

e. The Board reviewed Petitioner's Enlisted Performance Record (page 9). The page 9 shows that during the period 22 September 1992 until 30 June 1995 he was assigned no marks below 3.4 in any evaluation category. In addition he was recommended for advancement to petty officer third class on 1 January 1995. However, the final evaluation for the period ending 27 October 1995 is unavailable and there is no indication that he was or was not recommended for reenlistment on that date.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. As indicated, the DD Form 214 does not reveal whether it was the command's intent to assign an RE-3 or an RE-4 reenlistment code. After reviewing the page 9, the Board believes that an RE-3 reenlistment was more appropriate than an RE-4 reenlistment code. Given the Board's assumption that Petitioner was discharged because of weight control failure, the Board concludes that the record should be corrected to show that Petitioner was assigned an RE-3T reenlistment code on 27 October 1995, the date of his discharge.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by issuing a DD Form 215 to show that on 27 October 1995 he was assigned an RE-3T reenlistment code vice the reenlistment code(s) now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

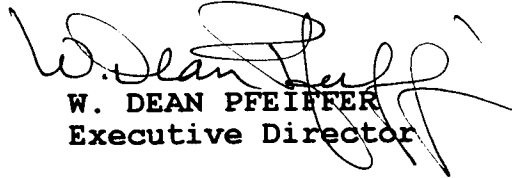
ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e))

and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director